IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (S) No. 4961 of 2026

Bhushan Sharma, son of Shyamnand Sharma, aged about 53 years, resident of D-14, Tenhughat, P.O. & P.S. Petarwar, District-Bokaro, Jharkhand. **..... Petitioner(s)**

V E R S U S

1. The State of Jharkhand.
2. The Principal Secretary, Dept. of Personnel, Administrative Reforms and Rajbhasha Govt. Of Jharkhand, Project Building, P.O. & P.S. Dhurwa, Dist- Ranchi.
3. The Secretary, Revenue. Registration & Land Reform, Govt. of Jharkhand, Project Building, P.O. & P.S. Dhurwa, Dist-Ranchi.
4. The Commissioner, North Chotanagpur Division, Hazaribagh, P.O. & P.S. Hazaribagh, District Hazaribagh.
5. The Deputy Commissioner, Bokaro, P.O. & P.S. Bokaro, District Bokaro.
6. The Additional Collector (Establishment), Bokaro, P.O. & P.S. Bokaro, District Bokaro. **..... Respondent(s)**

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CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner(s) : Mrs. Rinku Bhakat, Advocate
For the Resp.-State : Mr. Sushant Kumar, A.C. to S.C.-II

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C.A.V. ON: 12/10/2026 **PRONOUNCED ON: 25/11/2026**

1. Heard learned counsel for the parties.

2. The present writ petition has been preferred by the petitioners for the following reliefs:-

> ***i)*** *For direction upon the respondent to regularize the service of the petitioner in the light of Notification No.1348 dated 13.02.2015 [Annexure-7] and Notification No.4871 dated 20.06.2019 [Annexure-1] issued by the Department of Personnel, Administrative Reforms and Rajbhasa, Govt. of Jharkhand and considering the judgement of the Hon'ble Apex Court Narendra Kumar Tiwari & Ors. Vrs. State of Jharkhand reported in (2018) 8 SCC 238, Dharam Singh & Ors. Vrs. State of U.P. and Anr. reported in 2025 SCC Online SC 1735 and Jaggo Vs. Union of*

India & Ors. Reported in 2024 SCC OnLine SC 3826 considering the facts that the petitioner is continuously working since 1996 on sanctioned vacant post of the driver with the respondents.

ii) *For direction upon the respondents to pay all consequential benefits after counting of past service of the petitioner.*

3. The brief facts of the case are that the petitioner was appointed as a driver on daily wage basis in the year 1996 and has been working with the respondents till date. The petitioner is Class-VIII pass and having all qualification required for appointment as driver in the year 1996. Thereafter, a panel was prepared in the year 2017 vide Memo No. 359 dated 14.06.2017 in light of the Regularisation Policy of 2015; whereby the name of the petitioner appearing at Sl. No. 6 was forwarded for regular appointment in view of the fact that the petitioner has been working against a sanctioned vacant post of driver and has completed 10 years of service in April, 2006.

4. It is the case of the petitioner that since the Department of Personnel, Administrative Reforms and Rajbhasha, Government of Jharkhand has come up with Regularisation Policy vide Notifications dated 13.02.2015 and 20.06.2019, the petitioner is also entitled for regularisation on completion of three decades of service. The petitioner has filed several representations for regularisation of his service and lastly on 11.06.2026 also, but till date the respondents have not regularized the services of the petitioner. Hence, this writ application.

5. Learned counsel for the petitioner submitted that the action of the respondents is arbitrary and illegal in view of the fact that the petitioner is working on sanctioned vacant post of driver but his service has not been regularised in light of the judgments rendered by the Hon'ble Supreme Court on the case of *Jaggo v. Union of India reported in 2024 SCC OnLine SC 3826* and *Bhola Nath v. State of Jharkhand reported in 2026 SCC OnLine SC 129*.

6. *Per contra,* learned counsel for the respondents submitted that as per the Rule 3(a)(ii) of the *'Jharkhand Sarkar ke Adhinasth Aniyamit Roop se Niyukt Evam Karyarat Karmiyon ki Seva Niyamitikaran Niyamwali, 2015',* the petitioner does not fulfil the conditions of prescribed educational qualification of Matriculation and no document has been placed on record to show that he has been working against a specifically sanctioned vacant post of driver.

7. He further submitted that the judgment of *W.P.(S) No. 722 of 2026 (Gulam Khan v. State of Jharkhand & Ors.)* relied upon by the petitioner is inapplicable to the present case and presently under challenge in an intra-court appeal before the Division Bench of this Court.

8. Having heard learned counsel for rival parties and upon perusal of the materials available on record, it transpires that the petitioner has been working as a daily wager since the year 1996 on the post of driver, however, his case has not been considered for regularisation of services even though he has been working continuously for last three decades.

9. The grounds taken by the respondents to deny the claim of regularisation are that ***(i)*** *the petitioner is not having requisite qualification for regular appointment on the post of driver,* ***(ii)*** *he has not been working on a sanctioned vacant post and* ***(iii)*** *his services were not continuous.*

10. However, on bare perusal of the Letter No. 41 dated 28.01.2020 and issued by the Office of Deputy Commissioner-cum-District Magistrate, Bokaro, it transpires that the petitioner's name was forwarded for verification for regularisation in the year 2020 also and at Sl. No. 5 it has been shown that the petitioner was appointed by the Deputy Commissioner, Bokaro in 2002 and he has been working against a sanctioned post.

11. Further, it transpires that the petitioner has completed minimum 10 years of service and he is also having the prescribed qualification of driver, i.e., Class VIII pass as required on the date of appointment. It is to be noted that the respondents have earlier also regularised the services of the employees if they had acquired the requisite qualification required for work what was in vogue and prescribed at the time of appointment.

12. Even otherwise, the issue of requisite condition of educational qualification with respect to regularisation has been dealt time and again by the Hon'ble Supreme Court and the chronological jurisprudential development of the doctrine of regularisation shows that in assessing regularization, the Employer shall not impose educational or procedural criteria

retroactively if such requirements were never applied to the Workmen in the past and has been rightly discouraged in the judgment of ***Shripal v. Nagar Nigam, Ghaziabad [2025 SCC OnLine SC 221]***.

13. In *Jaggo (supra)*, it has been held that it is unjust to rely on educational qualification that is not associated to the nature of work performed by such workers and the same has not been strictly enforced in cases of regularisation. If the strict criteria of educational qualification would be sought after such a prolonged period and that too which was not required while performing the work till date during the temporary engagements will be against the ensuing constitutional evolution and normative balance with respect to regularisation. Assuming such appointee would have now gained sufficient experience in performing the work for more than a decade would not be fallacious.

14. Though vide Letter No. 41 dated 28.01.2020 it has been shown that the petitioner was working against a sanctioned post but had not been appointed by the competent authority, but if there is any contention raised by the respondents with respect to its verification, the Hon'ble Supreme Court, in the case of ***Sukhendu Bhattacharjee v. State of Assam [2026 SCC OnLine SC 909]*** has held that regularisation cannot be denied solely because the initial appointment was not against sanctioned post, and the Apex Court observed that where employees have rendered continuous service for decades in departments discharging

regular government functions, they would still be entitled to consideration for regularisation.

15. Admittedly, the respondents have taken work for more than two decades, which implies that the department while discharging regular government functions knowingly took work from them for years and later, they cannot deny such informal entry.

16. In ***Amarkant Rai v. State of Bihar [(2015) 8 SCC 265],*** the Hon'ble Supreme Court also has observed that when the respondent is well acquainted of the appointment and has admittedly took the work for such long duration without ever raising incompetency of the appointing authority cannot later term the appointment as illegal, rather it could be at the farthest irregular appointment.

17. Having regard to the above discussion, and the fact that the petitioner has been working continuously since 1996, albeit it has been admitted by the respondents that he was appointed only in 2002, the Court is of the considered opinion that the petitioner is entitled for regularisation of his services for the reason of completing his services for more than two decades in light of the Regularisation Policy of 2015 as amended in 2019 and the judgments of the Hon'ble Supreme Court rendered in the cases of *Narendra Kumar Tiwari v. State of Jharkhand [(2018) 8 SCC 238], Dharam Singh v. State of U.P. [2025 SCC OnLine SC 1735]* and *Jaggo v. Union of India [2024 SCC OnLine SC 3826].*

18. Accordingly, the instant writ application stands allowed by directing the concerned respondents to regularize the services of the petitioner and issue a formal order of regularisation within a period of 12 weeks from the date of receipt/production of a copy of this order.

19. Pending I.A.(s), if any, stands closed.

(Deepak Roshan, J.)

Dated: 25/11/2026
Amardeep/

Uploaded on
26.11.2026